

**DEPARTMENT OF STATE REVENUE
SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 04-0114P**

Sales Tax

For the Months of December 2002, January 2003, June 2003, and August 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

II. **Tax Administration** - Interest

Authority: IC 6-8.1-10-1

The taxpayer protests the interest assessment.

STATEMENT OF FACTS

The late penalty and interest were assessed on the late filing of sales tax returns for the months of December 2002, January 2003, June 2003, and August 2003.

The taxpayer is a company located out-of-state.

I. **Tax Administration** – Penalty

DISCUSSION

The taxpayer continues to request the penalty be waived. The error is the taxpayer not changing the filing frequency from "monthly" to "early filer".

The Department reviewed the filing frequency letter that went out and noticed the letter was incorrect. The letter should have stated the filing frequency changed from "monthly" to "early filer". However, the letter stated the filing frequency changed from "early filer"

Page #2

to “monthly”. As the Department did not correctly notify the taxpayer of the filing frequency change, the Department did not conform to the requirements of law. Therefore, the protest is sustained.

FINDING

The taxpayer’s penalty protest is sustained.

II. Tax Administration – Interest

Interest may not be waived according to statute. IC 6-8.1-10-1.

TB/TG/JMS—042608